

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

400B0228

## HOUSE BILL NO. 1037

Introduced by: The Committee on Health and Human Services at the request of the Department  
of Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to grant and modify the inspection powers of the Board of  
2 Nursing and the Board of Medical and Osteopathic Examiners.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-9 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The board, or any of its officers, agents, or employees so authorized, may enter and inspect,  
7 during business hours, any place where the services of a registered nurse, a licensed practical  
8 nurse, a clinic nurse specialist or a nurse anesthetist are performed, or any place where records  
9 concerning these services are maintained, for the purpose of enforcing this chapter and rules  
10 adopted pursuant to this chapter. The inspection may include any pertinent books, records,  
11 papers, and documents, and the copying thereof. The board, its officers, agents, and employees  
12 shall maintain the confidential nature of any records obtained pursuant to this section. The refusal  
13 to allow an inspection is a Class 1 misdemeanor.

14 Section 2. That § 36-9A-7 be amended to read as follows:

15 36-9A-7. ~~In administering the provisions of this chapter, the boards shall have those powers~~

1 ~~granted them by § 36-4-22.1.~~ The boards, or any of their officers, agents, or employees so  
2 authorized, may enter and inspect, during business hours, any place where the services of a nurse  
3 practitioner or a nurse midwife are performed, or any place where records concerning those  
4 services are maintained, for the purpose of enforcing this chapter and rules adopted pursuant to  
5 this chapter. The inspection may include any pertinent books, records, papers, and documents,  
6 and the copying thereof. The boards, their officers, agents, and employees shall maintain as  
7 confidential any records obtained pursuant to this section. The refusal to allow an inspections a  
8 Class 1 misdemeanor.